

SENATE CONCURRENT RESOLUTION NO. 48

(By Senators Fanning, Edgell, Yost, Stollings and Klempa)

Requesting the Joint Committee on Government and Finance study the need for legislation to clarify the law relating to the right of disposition of a deceased person's remains.

Whereas, There is a need in this state to provide for a more clearly delineated right of disposition to reduce potential conflicts as to who has the right to make decisions regarding the disposition of the remains of a deceased person; and

Whereas, In this state too many conflicts arise between loved ones of the deceased or other persons with legal status as to the deceased over such important and emotionally charged decisions as the location, manner and conditions of disposition of the deceased's remains, and other arrangements for funeral goods and services; and

Whereas, The National Funeral Directors Association has proposed a model "Right of Disposition Law" to better address the problems which arise relating to the right of disposition of a deceased person's remains; and

Whereas, This model "Right of Disposition Law" would serve as a good basis for developing and implementing legislation to address this issue; therefore, be it

1 *Resolved by the Legislature of West Virginia:*

2 That the Joint Committee on Government and Finance is hereby
3 requested to study the need for legislation to clarify the law
4 relating to the right of disposition of a deceased person's
5 remains; and, be it

6 *Further Resolved,* That the Joint Committee on Government and
7 Finance report to the Legislature on the first day of the regular
8 session, 2012, on its findings, conclusions and recommendations
9 together with drafts of any legislation to effectuate its
10 recommendations; and, be it

11 *Further Resolved,* That the expenses necessary to conduct this
12 study, to prepare a report and to draft necessary legislation be
13 paid from legislative appropriations to the Joint Committee on
14 Government and Finance.